

REMARKS

In the Office Action, the Examiner objected to claim 26 for an informality. The Applicant has addressed the formality according to the Examiner's requirement and, therefore, respectfully requests withdrawal of the Examiner's objection. Additionally, claims 28 and 31 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner rejected these claims due to the use of the word translation not being found in the original disclosure. The Applicant has amended these claims pursuant to the Examiner's Remarks to read as the word convert or its various forms. The Applicant has also amended claims 12, 18, 26, and 30 in similar fashion. The Applicant believes these amendments address the Examiner's rejections and, therefore, respectfully requests withdrawal of these rejections. The Examiner further rejected claims 26 - 31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,289,223 ("Mukherjee"). The Examiner also rejected claims 12 - 14, 18, 19, 21 as dependent upon claim 18, 21 as dependent upon claims 19 and 18, and 23 - 25 under 35 U.S.C. § 103(a) as being unpatentable over Mukherjee. The Examiner also rejected claims 15 as dependent upon claim 12, 15 as dependent upon claims 13 and 12, and claim 15 as dependent upon claims 14 and 12 under 35 U.S.C. 103(a) as being unpatentable over Mukherjee in view of U.S. Patent Number 5,515,421 ("Sikand"). The Examiner also rejected claims 16 as dependent upon claim 12, 16 as dependent upon claims 13 and 12, 16 as dependent upon claims 14 and 12, 17 as dependent upon claim 12, 17 as dependent upon claims 13 and 12, 17 as dependent upon claims 14 and 12, 20 as dependent upon claim 18, 20 as dependent upon claims 19 and 18, claim 22 as dependent upon claim 18, and claim 22 as dependent upon claims 19 in 18 under 35 U.S.C. § 103(a) as being unpatentable over Mukherjee in view of U.S. Patent Number 5,974,308 ("Vedel"). The Applicant has amended claims 12, 18 and 26 purely for editorial clarity and respectfully traverses each of the Examiner's § 102(e) and § 103(a) rejections.

Claims 12 - 17, 23 and 24

In claim 12, the Applicant recites a process of allowing direct access for individual subscribers to a digital cellular phone network with existing cell broadcast

services. The process includes, among other things, forwarding the cellular broadcast message to a cell broadcast center by means of a process that applies to the cell broadcast center such that the cellular broadcast message is broadcast to subscribers within a defined area of the cell broadcast center. The Examiner states that such is taught by Mukherjee's reference of "an originating mobile unit may then transmit an SMS message to a plurality of destination units by transmitting an SMS message addressed to a predefined user group MSISDN". The Applicant respectfully disagrees and asserts that the Examiner mistakenly equates broadcast messages of the Applicant claims with transmitted SMS messages to members of a predefined user group.

The Applicant has amended claim 12 to clarify the distinction between broadcast messaging and messaging to predefined groups (i.e., groups with predefined numbers of subscribers). For example, the Applicant has amended claim 12 to state that the cellular broadcast message is broadcast to subscribers within a defined area of the cell broadcast center. Broadcasting, as is generally known, refers to one-way communication that reaches a variable number of subscribers (e.g., those subscribers within a range of a broadcast cell tower having their receivers turned on). Mukherjee, on the other hand, teaches a process in which a multipoint SMS transmission is executed significantly as a point-to-point SMS transmission *once usergroups and identifiers have been defined*. See e.g., column 2, lines 18 - 21 of Mukherjee. The broadcast messaging of the Applicant's claims (and broadcast messaging in general) does not define user groups prior to transmission. Any interpretation of broadcast messaging equating to transmission of a message to a predefined user group would be simply incorrect.

For at least these reasons, the Applicant maintains that Mukherjee does not teach that which the Applicant claims. The Applicant asserts that Mukherjee, in fact, teaches away from that which the Applicant claims by transmitting messages to a predefined group. Since Mukherjee does not teach that which the Applicant claims, claim 12 patentably distinguishes over Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 12.

Claims 13 - 17 depend from independent claim 12 and inherit all of the novel and non obvious features of the independent claim. However, these claims recite additional subject matter that further distinguishes the independent claim. For example, in claim 15,

the Applicant recites that an area to which the cellular broadcast message applies is determined by giving the dialing prefix, the postal code or the vehicle license number. The Examiner states it such as taught by Sikand in column 1, lines 61 - 67 because any other caller characteristics or codes could be viewed as a vehicle license number. The Applicant respectfully disagrees because, among other reasons, the telephony system described within Sikand does not even contemplate cellular telephony and, therefore, would not contemplate using a license plate number of a vehicle. For example, Sikand appears to be filed in a time prior to the rapid growth of cellular telephony where users may be mobile (e.g., in a moving vehicle) and, therefore, would not have a need for license plate information in the telephone interchange system that Sikand teaches. Accordingly, there is no reasonable suggestion that *any other caller characteristics or codes* could be viewed as a license plate number and thus there is no motivation to combine. Such would be analogous to saying that a statement of “numerous applications” made at the advent of the transistor would render a microprocessor obvious. For at least these reasons, the Applicant maintains that claim 15 is novel and nonobvious in view of Mukherjee and Sikand, either alone or in combination. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 15.

Another example of patentable distinction is recited in claim 23. In claim 23, the Applicant recites filtering a point-to-point short message based on a subscriber associated with the cellular phone. Filtering, as described in the Applicant’s specification, regards authentication for checking the subscriber’s authorization to use a service. See page 4, second paragraph of the present application. The Examiner states that Mukherjee discloses a filter component for “comparing and selecting multipoint user group”. This comparison is used to determine if a selected SMS request has been made (column 5, line 4 of Mukherjee). However, Mukherjee does not even use the word filter once in the specification. The Examiner is incorrectly interpreting Mukherjee’s comparison and selection as a filter to comport with the Applicant’s explicit filter definition. The Applicant maintains that Mukherjee does not teach or reasonably suggest the filter recited in the Applicant’s claims. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 23.

Claim 24 recites another example of patentable distinction over Mukherjee. In claim 24, the Applicant recites the point-to-point short message is declared as an intended cellular broadcast message by a subscriber associated with the cellular telephone. The arguments in favor of patentability for claim 12 apply herein as well because, among other reasons, Mukherjee does not teach broadcasting as the Applicant claims. Since Mukherjee does not teach or reasonably suggest broadcasting of the Applicant's claim, claim 24 is novel and nonobvious in view of Mukherjee. Accordingly, the Applicant respectfully requests reconsideration and allowance of claim 24.

Claims 18 - 21

Claim 18 recites a device for allowing direct access for individual subscribers to a digital cellular phone network with existing cell broadcast services. The cellular phones of the subscribers are equipped to exchange point-to-point short messages with a short message center over the cellular phone network, whereby short messages declared cell broadcast messages are forwarded to a cell broadcast center to be broadcast to the subscribers within a defined area of the cell broadcast center. The device includes means of doing at least one of: a test, an adjustment, and a conversion of the point-to-point short message necessary to convert the point-to-point short message into a cellular broadcast message. As recited in the arguments in favor of patentability for claim 12, claim 18 relates to broadcast messaging that differs from Mukherjee. The Applicant maintains that claim 18 patentably distinguishes in view of Mukherjee in a novel and nonobvious manner because, among other reasons, Mukherjee does not teach broadcasting of the Applicant's claims. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 18.

Claims 19 - 21 depend from independent claim 18 and inherit all of the novel and nonobvious features of the independent claim. For at least these reasons, claims 19 - 21 are also novel and nonobvious. However, these claims recite additional subject matter that further distinguishes from the cited references. For example, in claim 19, the Applicant recites the point-to-point short messages contain parameters for defining the broadcast area. The Examiner states that Mukherjee teaches such in column 2, lines 13 - 21 and 24 - 27; and column 3, lines 55 - 56, and lines 21 - 24. The Applicant

respectfully disagrees because, among other reasons, Mukherjee does not teach broadcast messaging and could not possibly contemplate defining a broadcast area (i.e., a coverage area for broadcasting a message). Regardless, at the Examiner's referenced columns, Mukherjee teaches selecting a predefined user group to send a point-to-point SMS message to users that may be globally identifiable; but nowhere does Mukherjee teach or reasonably suggest parameters that define an area. Accordingly, Mukherjee does not teach that which the Applicant claims. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 19.

Claim 21 recites another example of patentable distinction over the cited references. In claim 21, the Applicant recites a filter component as similarly recited in the process of claim 23. The arguments in favor of patentability for claim 23 apply herein as well. The Applicant maintains that claim 23 is in allowable form and respectfully requests such disposition.

Claims 26- 31

In claim 26, the Applicant recites a method of providing a cellular broadcast center with a cellular broadcast message. The method includes forwarding the cellular broadcast message to a cellular broadcast center to be broadcast to the subscribers within a defined area of the cell broadcast center. As with claims 12 and 18, the Applicant recites broadcast messaging that differs from Mukherjee's SMS messaging to predefined user groups. The arguments in favor of patentability of claims 12 and 18 apply herein as well. The Applicant maintains that claim 26 is in allowable form and respectfully requests such disposition.

Claims 27 - 31 depend from independent claim 26 and inherit all of the novel and nonobvious features of the independent claim. However, these claims recite additional features that further distinguish from the cited references. For example, claim 27 recites the cellular broadcast center delivers the cellular broadcast message to all subscribers in communication with a mobile station associated with the cellular broadcast center. The Examiner states that such is taught in column 3, lines 20 - 25; column 4, lines 59 - 67; and column 5 lines, 1 - 5. Here, as stated above, Mukherjee simply selects users of a predefined user group to send an SMS message. However, Mukherjee does not teach or

reasonably suggest delivering a broadcast message to all subscribers in communication with a mobile station (e.g., a cellular tower having a particular coverage area) because Mukherjee does not teach or reasonably suggest broadcasting as is commonly known to those skilled in the art. The Applicant maintains that claim 27 is novel and nonobvious in view of the cited references. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 27.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: *Mar 23, 06*

By: 

Gregory T. Fetting

Registration No. 50,843

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(720) 562-5509